

### REMARKS

Claims 1-111 have been canceled and new claims 112-150 submitted.

Claim 112 substantially tracks canceled claim 66, whereas claim 131 substantially tracks canceled claim 67. However, claims 112 and 131 specify that the capsid protein comprises an amino acid sequence at least 95% identical to specifically recited sequences. Support for this limitation can be found in the specification, for example, on page 35, lines 17-24. In addition, claims 112 and 131 specify that the Rep nucleic acid sequences encode a protein comprising an amino acid sequence at least 95% identical to SEQ ID NO:3 or 5. Support for this limitation can be found in the specification, for example, on page 34, lines 11-16.

Claims 113 and 132 specify that the inverted terminal repeats (ITRs) be capable of forming T-shaped hairpin structures comprising a terminal resolution site and a Rep protein binding site. Support for this limitation can be found in the specification, for example, in Figure 2, and on page 14, lines 18-27.

Claims 114 and 133 specify that the ITR comprises SEQ ID NO:14. Support for this limitation can be found in the specification, for example, on page 25, lines 30-32, through page 26, lines 1-7.

Claims 115 and 134 specify that the Rep binding site comprises SEQ ID NO:24. Support for this limitation can be found in Figure 2.

Claims 116-118 and 135-137 specify that the ITRs have at least a specific percent identity to the recited sequences. Support for these limitations can be found in the specification, for example, on page 14, lines 18-27, and on page 19, lines 14-18.

Claims 119 and 138 specify that the ITR's comprise SEQ ID NO:12. Support for this limitation can be found in the specification, for example, on page 33, lines 23-27.

Claims 120, 121, 124, 139, 140 and 143 specify that the nucleic acid molecule encoding the capsid protein comprises a sequence at least 95% or 100%, identical to the recited SEQ ID NO's. Support for these claims can be found in the specification, for example, on page 25, lines 8-11.

Claims 122, 123, 125, 141, 142 and 144 specify that the nucleic acid molecule encoding the Rep protein comprises a sequence at least 95%, or 100%, identical, respectively, to the recited SEQ ID NO's. Support for these claims can be found in the specification, for example, on page 34, lines 11-16.

Claim 126 and 146 specify that the vector comprises a promoter between the inverted terminal repeats. Support for this claim can be found in the specification, for example, on page 14, lines 18-21.

Claim 127 and 147 specify that the promoter is functionally linked to an exogenous nucleic acid sequence. Support for this claim can be found in the specification, for example, on page 55, lines 1-2.

Claims 128 and 148 track canceled claim 105.

Claims 129 and 149 track canceled claim 106.

Claims 130 and 150 track canceled claim 107.

#### Sequence Listing.

Applicants submit herewith a revised computer readable form ("CRF") of the Sequence Listing, SEQ ID NO:1-25, which includes new SEQ ID NO's 24 and 25, which represent complementary strands of the Rep binding site. The sequences of SEQ ID NO:24 and SEQ ID NO:25 can be found in Figure 2.

The content of the revised CRF of the Sequence Listing is identical to the Sequence Listing submitted on June 2, 2006 in the instant case, except for the newly added sequences, SEQ ID NO:24 and SEQ ID NO:25, and Applicants have added the serial number for the instant case to page one of the Sequence Listing. Accordingly, Applicants submit that no new matter has been entered into the specification.

#### I. Restriction Requirement

The Examiner has restricted the pending claims into 11 Groups. In response, Applicants have elected Group XI, drawn to a vector system comprising at least one vector comprising a nucleic acid selected from the group of: a pair of BAAV ITR's; encoding a BAAV capsid protein; or encoding a BAAV Rep protein; wherein one of the vectors encodes the capsid protein and the second vector comprises the BAAV ITR's. Group XI consists of claims 66-67 (in part), and claims 91, 103-107. However, claims 66-67, 91 and 103-107 have been canceled and new claims 112-150 submitted. As noted above, claims 112-150 are drawn to the same subject matter as canceled claims 66-67, 91 and 103-107. Thus, Group XI consists of claims 112-150. Nucleic acid sequences of

Group XI are represented by SEQ ID NO's 1, 2, 4, 6, 8, 10, 12-17, 24 and 25. Proteins of Group XI are represented by SEQ ID NO's 3, 5, 7, 9, 11, and 18-23.

## II. Specie Election

The Examiner states that if Applicants elect any of Groups IX-XI, they are then required to choose one of the types of AAV particles as recited in claim 107 (now new claims 130 and 150). In response, Applicants have elected AAV2, which is within the scope of claims 128, 129, 148 and 149.

## CONCLUSION

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: November 15, 2010